

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: KENNEDY LOT 27 SHORT PLAT

Case Number: PLD2004-00064

Location: 9507 NE 47th Avenue

Request: The applicant is requesting to short plat an approximate 12,020 square foot parcel into 2 single-family residential lots located in the R1-6 zone district.

Applicant: Kimball Hill Homes
Attn: Steve Hale
6014 NE 124th Court
Vancouver, WA 98682
(360) 546-5357; (360) 546-5365
E-mail: shale@khhcorp.com

Contact Person: Same as applicant

Property Owner: Same as applicant

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** November 3, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Dan Carlson	4499	Daniel.Carlson@clark.wa.gov
Engineer (Trans. and Stormwater):	Ali Safayi	4102	Ali.Safayi@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.Oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	Susan.Ellinger@clark.wa.gov
Engineer	Richard	4492	Richard.Drinkwater@clark.wa.gov

Supervisor (Trans. and Stormwater):	Drinkwater, P.E.		
Engineering Supervisor (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.Schulte@clark.wa.gov

Parcel Number(s): Parcel Number 97661-054 located in the Northeast Quarter of Section 1, Township 2 North, Range 1 East of Willamette Meridian

Comp Plan Designation: Urban Low Density Residential

Zoning: R1-6

Applicable Laws:

Clark County Code Chapters: Title 15 (Fire Protection); Title 24 (Public Health); 40.220.010 (Single-Family Residential Districts); 40.350 (Transportation); 40.350.020 (Transportation Concurrency); 40.370.010 (Sewerage Regulations); 40.370.020A (Water Supply); Chapter 40.380 (Storm Water Drainage and Erosion Control); 40.540.030 (Short Plat); 40.610 (Impact Fees); and RCW 58.17.110.

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association

Bud Van Cleve, President

1407 NE 68th Street

Vancouver, WA 98665

(360) 695-1466

BSVANC@aol.com

dballou@pacifier.com

Time Limits:

The application was determined to be fully complete on August 17, 2004. Therefore, the County Code requirement for issuing a decision within 78 days lapses on November 3, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on December 15, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

No pre-application conference was held for this proposal. A pre-application conference waiver was issued on March 5, 2004.

The fully complete application was submitted on July 23, 2004 and determined to be fully complete on August 17, 2004. Given these facts the application is vested on July 23, 2004.

There are no disputes regarding vesting.

Public Notice:

Notice of application was mailed to the applicant, NE Hazel Dell Neighborhood Association and property owners within 300 feet of the site on August 27, 2004.

Public Comments:

No public comments were received for this application.

Project Overview

The subject property is located on NE 47th Avenue, near NE 95th Street. The lot is vacant lot that was created as a part of the Kennedy Subdivision (PLD2002-00024). The property is zoned R1-6, and surrounding properties are also zoned R1-6. The applicant is requesting to short plat this approximate 12,020 square foot parcel into 2 single-family residential lots.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Vacant
North	UL	R1-6	Kennedy Subdivision
East	UL	R1-6	Kennedy Subdivision/Single-family residence
South	UL	R1-6	Kennedy Subdivision
West	UL	R1-6	Kennedy Subdivision

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The Applicant will be required to construct sidewalks along the frontage of this development. Bike lanes are not required along the local residential access roads. (See Transportation Finding 3)

Circulation Plan

Finding 2

Staff finds that the existing roadways will provide adequate cross-circulation for serving this development and will allow future developments to meet the cross-circulation standards in compliance with Section CCC 40.350.030(B)(2).

Roads

Finding 3

NE 47th Avenue, abutting the property on the west, is fully improved within a 46-foot right-of-way with 28-foot paved roadway, curb/gutter. The project shall construct a 5-foot wide sidewalks along the frontage on NE 47th Avenue in compliance with the provisions of CCC 40.350.030(B)(5) and Standard Details Drawing #14. (See Condition C-1)

Conclusion (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to Condition C-1, meets the requirements of the county transportation ordinance.

STORMWATER:

Approval Criteria

Finding 1

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The narrative submitted by the Applicant indicates that the project shall not be required to comply with the requirements for stormwater quality and quantity control because the project will create 2,360 square feet of new impervious surfaces. The Applicant believes that this amount is insignificant to the basin calculations and would not increase runoff in any measurable way.

The existing parcel was created with Kennedy Subdivision (PLD2002-00024; Book 311, Page 119). Stormwater runoff calculations for this development accounted for one residential home within this lot. The Applicant proposes to create an additional lot with impervious surfaces that exceeds the 2,000 square feet thresholds. Therefore, the project shall comply with stormwater quality and quantity control in accordance with the provisions of CCC 40.380. The requirement for quality control may be waived if the applicant submits evidence that shows the runoff from the pollution-generating surfaces created by one additional driveway is insignificant and that the runoff from the additional lot will not impact the existing stormwater quality control facility.

Site Conditions and Stormwater Issues

Finding 3

The site is a vacant parcel with slopes of 5-10 percent. The 1972 USDA, SCS soil survey of Clark County shows the site to be underlain by Hillsboro silt loam (HoB) classified by AASHTO as A-4 soils for the depths of 0 to 86 inches below the ground surface (bgs). Hillsboro soils are designated as hydrologic group "B". In accordance Section CCC 40.380.040(C)(3), A-4 soils as defined in AASHTO Specification M145 are not suitable for infiltration.

The recent developments in vicinity including the Kennedy Subdivision have experienced a great deal of difficulty in complying with the provisions of the stormwater ordinance. Currently, the existing facilities are under review, redesign, and reconstruction. Additional runoff from this development will have some impact on the capacity of the existing storm system. Therefore, the project will be required to propose a plan for stormwater quantity control intended to prevent adverse impact on the existing facility and/or adjacent properties. Water quality control must also be

addressed, unless the applicant demonstrates that stormwater treatment is not required. (See Condition A-1)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to condition A-1 and the standard conditions, is feasible.

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-2)

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for a 60-minute duration is required for this application. The required fire flow is available at the site. Water mains supplying fire flow and fire hydrants are installed.

Fire Protection Finding 4 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access.

Fire Protection Finding 5 – Fire Apparatus Turnarounds

Fire apparatus turnarounds are not required for this application.

Fire Protection Finding 6 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

WATER & SEWER SERVICE:

Finding 1

The site will be served by the Clark Public Utilities and Hazel Dell Sewer District. Letters from the above districts confirm that services are available to the site.

According to the Utility Review Letter issued by Clark Public Utilities (Ex. 7, Tab 13), this project is within the lower pressure limits of their pressure zone. While the minimum state required pressure will be supplied, the potential lot owners should be aware.

Therefore, Clark Public Utilities requests that the following note be recorded on the final plat:

"The water pressure in this area will meet the minimum state requirements. Some lots in this plat are within the lower pressure limits of the water pressure zone with respect to elevation. As adequate pressure is subject to the user, private water boosters are recommended for lots with the lower pressure limit."

(See Condition D-2)

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition E-2)

IMPACT FEES:

Finding 1

Park (PIF), Traffic (TIF), and School (SIF) Impact Fees shall apply to the lots within this development. The site is within Park Facility Plan District No. 8 which has a total PIF of \$1,800.00 per lot (Acquisition - \$1,360.00, Development - \$440.00), the Hazel Dell Traffic District which has a TIF of \$1,325.92 per lot, and the Battle Ground School District which has a SIF of \$3,000.00 per lot. (See Conditions B-1 and D-4)

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This shall be noted on the face of the final plat. (See Conditions B-1 and D-4)

DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

A-1 The project shall comply with the stormwater quality and quantity control requirements. (See Stormwater Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

B-1 Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Park Impact Fees: \$1,800.00 (Park District No. 8)
(Acquisition - \$1,360.00. Development - \$440.00)
- Traffic Impact Fees: \$1,325.92 (Hazel Dell TIF sub-area)
- School Impact Fees: \$3,000.00 (Battle Ground School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (See Impact Fee Finding 1)

B-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

C. Conditions that must be met prior to issuance of Occupancy Permits

C-1 A 5-foot wide sidewalk shall be constructed along the frontage on NE 47th Avenue for each of the proposed lots. (See Transportation Finding 3)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Water Pressure

"The water pressure in this area will meet the minimum state requirements. Some lots in this plat are within the lower pressure limits of the water pressure zone with respect to elevation. As adequate pressure is subject to the user, private water boosters are recommended for lots with the lower pressure limit."

D-3 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-4 Impact Fees:

"In accordance with CCC 40.610, the Park, Traffic, and School Impact Fees for each dwelling in this subdivision are: \$1,800.00 (\$1,360.00 - Acquisition; \$440.00 - Development for Park District No. 8), \$1,325.92 (Hazel Dell TIF sub-area), and \$3,000.00 (Battle Ground School District) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-8 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

D-9 Privately Owned Stormwater Facilities:

"The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: Homeowners."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-2** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted to the county, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted. (e.g., at Final Construction Plan Review, Final Plat Review, or prior to occupancy).

Transportation:

- E-3** Prior to construction, the Applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

Stormwater:

- E-4** Prior to construction, the Applicant shall submit and obtain County approval of a final stormwater plan or conveyance/disposal plan, whichever is applicable, designed in conformance to CCC 40.380.

Pre-Construction Conference:

- E-5** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- E-6** Prior to construction, the Applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-7** For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-8** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-9** Erosion control facilities shall **not** be removed without County approval.

Excavation and Grading:

E-10 Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-11 Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on November 3, 2004. Therefore any appeal must be received in this office by 4:30 PM, November 17, 2004.

APPEAL FILING DEADLINE
Date: November 17, 2004

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1070** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>